

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IFTIKHAR AHMED, an individual,

Plaintiff,

vs.

WACHOVIA now doing business as WELLS
FARGO BANK, N.A.; CAL-WESTERN
RECONVEYENCE CORPORATION, and
DOES 1 through 50, inclusive,

Defendants.

Case No.: 5:11-cv-03953-LHK

ORDER TO SHOW CAUSE WHY THIS
CASE SHOULD NOT BE DISMISSED
FOR FAILURE TO PROSECUTE

On July 11, 2011, Plaintiff filed an action in California Superior Court for violation of California Business and Professional Code § 17200; California Civil Code § 1572; fraud; intentional misrepresentation; wrongful foreclosure under California Civil Code §§ 2923, 2924; and quiet title. On August 11, 2011, the case was removed by Defendant Wells Fargo Bank—Wachovia’s successor by merger—to federal court based on diversity jurisdiction, and on August 17, 2011, the case was reassigned to this Court. The next day, Wachovia filed a motion to dismiss the complaint on all counts and a motion to strike portions of the complaint. ECF Nos. 10, 11. Both motions required a response by Plaintiff by September 1, 2011.

To date, Plaintiff has failed to respond to either of these motions. In light of these facts, the Court orders Plaintiff to show cause why this case should not be dismissed for failure to prosecute. This Order does not authorize Plaintiff to file an untimely opposition to the motion to dismiss or motion to strike. Plaintiff has until November 3, 2011 to file a response to this Order to Show Cause. A hearing on this Order to Show Cause is set for **November 16, 2011 at 2:00 P.M.** Failure to respond to this Order and appear at the November 16, 2011 hearing will result in dismissal without prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: October 20, 2011



LUCY H. KOH
United States District Judge